

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action/Consent Item:

Consideration of Waivers of 703 KAR 5:020, Affecting Grade Configurations for Fleming and Mason Counties and Somerset Independent

Applicable Statute or Regulation:

KRS 156.160, 158.645 -158.6455, 703 KAR 5:020 Section 4 (3)

Action Question:

Should the Kentucky Board of Education approve the requests for a waiver related to school grade configuration as provided for in KRS 156.160 and 703 KAR 5:020, Section 4 (3), for schools in Fleming and Mason Counties and Somerset Independent?

History/Background:

Existing Policy. According to KRS 156.160, the Kentucky Board of Education may approve the request for a waiver to any administrative regulation when: (1) a school district or school has demonstrated circumstances where an alternative approach will achieve the same result required by the administrative regulation; (2) implementation of the regulation will cause a hardship on the school district or school, or jeopardize the continuation or development of programs; or (3) there is a finding of good cause for the waiver. This statute defines circumstances related to state required assessments and school accountability that shall not be subject to waiver, but grade configuration is stated as an exception to these limitations.

Three such waivers are now being requested. The affected districts are Fleming County, Mason County and Somerset Independent.

DISTRICTS REQUESTING WAIVERS

Fleming County

Fleming County Public Schools consists of four A1 elementary schools containing primary through grade 6, one middle school containing grades 7 through 8, and one high school containing grades 9 through 12. Under a strict interpretation of the current regulation (703 KAR 5:020 Section 4), Ewing, Flemingsburg, E.P. Ward and Hillsboro Elementary Schools, which each contain grades primary through grade 6, and Simons Middle School, which contains grades 7 through 8, are held accountable for the grades included in each facility. Because the four elementary schools and the middle school would like to be treated differently for accountability

purposes than would be required by current regulation, district staff communicated with department staff to review possible alternatives to the current situation. A request of how the district desires accountability to be applied has resulted. Ewing, Flemingsburg, E.P. Ward and Hillsboro Elementary Schools would be accountable for their student populations in grades primary through grade 5, while Simons Middle School would be accountable for the district's 6th grade population that attend each of the four elementary schools. Simons Middle School serves grades 7 and 8 because space does not permit the district's 6th grade student population to transition to the facility.

The proposed solution is to send the 6th grade student academic and nonacademic data from Ewing, Flemingsburg, E.P. Ward and Hillsboro Elementary Schools to Simons Middle School since this would be the school that would have served that population had the middle school been able to accommodate a 6th grade program. Thus, Simons Middle School would be accountable for the 6th grade academic and nonacademic data generated at each elementary school in the district. The solution will create four elementary schools that will be accountable for primary through grade 5 and one middle school accountable for grades 6 through 8.

In considering this request, the school-based council in each school agrees that no appeal of the school's performance judgment would be a result from this waiver or in any way have as its basis the fact that the school's accountability is based on these configurations.

Mason County

Mason County currently has an approved waiver to combine Charles Straub Elementary, which contains kindergarten through grade 3 (P1-P4), with Earle D. Jones Elementary, which contains grades 4-5. The district will open a new Intermediate Center in 2005-2006 that will contain grades 3 (P4) through 5 and Charles Straub Elementary will be reconfigured to include kindergarten through grade 2 (P1-P3).

This reconfiguration will cause Charles Straub Elementary to become a feeder school for the new Intermediate Center, which will contain the district's elementary assessment grades (grade 3-5). When such a school *feeds* its students into a school with accountability grades, the school is combined with the school having the missing grades its students subsequently attend, forming a single school accountability unit. In this case, a strict interpretation of the regulation means that Charles Straub Elementary and the new Intermediate Center would share the same performance judgment. (703 KAR 5:020 Section 4)

Since, according to this regulation, the performance judgments rendered for the combined primary and intermediate buildings would not include the nonacademic data that is generated at the primary school, the district is requesting that the nonacademic data that is generated at the primary school be included in the accountability calculations that result in the performance judgment shared by both the primary school and the intermediate school that the students would subsequently attend. Therefore, the district is requesting to continue with the current waiver, but modify it to reflect the reconfigured school changes for 2005-2006.

In considering this request, the school-based council in each school agrees that no appeal of the school's performance judgment would be a result from this waiver or in any way have as its basis the fact that the school's accountability is based on these configurations.

Somerset Independent

Somerset Independent Schools consists of one elementary school containing primary through grade 4, one middle school containing grades 5 through 8, and one high school containing grades 9 through 12. Under a strict interpretation of current regulation (703 KAR 5:020 Section 4), Hopkins Elementary School, which contains primary through grade 4 and Meece Middle School, which contains grades 5 through 8, are currently treated as one unit for accountability purposes. Because the two schools would like to be treated differently for accountability purposes than are required by current regulation, district staff communicated with department staff to review possible alternatives to the current situation. A request of how the district desires accountability to be applied has resulted. Hopkins Elementary School would be accountable for its student population and grade configuration with the addition of the 5th grade scores for students that would have been served by the elementary school had facility resources allowed the elementary school to house the district's 5th grade population. Hopkins Elementary School serves primary through grade 4 because space does not permit the 5th grade to remain in the facility.

The proposed solution is to send the 5th grade student academic and nonacademic data from Meece Middle School back to Hopkins Elementary school since this would be the school that would have served that population had the elementary school been able to accommodate a 5th grade program. Thus, Hopkins Elementary School would be accountable for the 5th grade academic and nonacademic data generated at Meece Middle School. The solution will create two separate accountable schools in Somerset Independent, which includes one elementary school containing primary through grade 5 and one middle school containing grades 6 through 8.

In considering this request, the school-based council in each school agrees that no appeal of the school's performance judgment would be a result of this waiver or in any way have as its basis the fact that the school's accountability is based on these configurations.

Staff Recommendation(s) and Rationale(s):

Staff recommends approval of the requested waivers. Because the proposals described for each school will include the most appropriate data in the accountability calculations for these schools, the requested waivers of the grade configuration requirement of 703 KAR 5:020 should be granted.

Impact on Getting to Proficiency:

These waivers clarify how specific schools and staffs will be included in the school accountability system, which defines their status relative to Getting to Proficiency.

Groups Consulted:

Those consulted include the superintendents and district assessment coordinators in each district, as well as the school-based councils in each school. The Department of Education is of the understanding that the staffs and councils of these schools are informed of the proposed solutions, and considering the various alternatives available, are in general agreement with the above proposals.

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Commissioner of Education**Date:**

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